

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHNNY CURTIS PALMER,

Plaintiff,

v.

M. MELENDREZ,

Defendant.

Case No.: 1:22-cv-00800-KES-CDB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS ACTION  
WITHOUT PREJUDICE FOR PLAINTIFF'S  
FAILURE TO OBEY COURT ORDERS AND  
FAILURE TO PROSECUTE

Doc. 32

Plaintiff Johnny Curtis Palmer is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 13, 2024, the assigned magistrate judge ordered the parties to file a form indicating whether each consented to magistrate judge jurisdiction within thirty days. Doc. 28. Plaintiff did not comply with the order. *See* Docket. Accordingly, on September 26, 2024, the magistrate judge issued an order requiring plaintiff to show cause why the action should not be dismissed for failure to obey the Court's order, or alternatively, to file a completed consent/decline form. Doc. 31. Plaintiff again failed to respond to the Court's order. *See* Docket. Therefore, on October 18, 2024, the assigned magistrate judge issued findings and recommendations, recommending that the action be dismissed for plaintiff's failure to obey court orders and failure to prosecute. Doc. 32. The findings and recommendations contained notice

1 that any objections thereto were to be filed within 14 days. *Id.* at 4-5. Plaintiff did not file any  
2 objections, and the time to do so has passed. Nor has plaintiff otherwise communicated with the  
3 Court to date.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de  
5 novo review of this case. Having carefully reviewed the file, the Court concludes that the  
6 findings and recommendations are supported by the record and proper analysis.

7 Accordingly, IT IS HEREBY ORDERED:

- 8 1. The findings and recommendations issued on October 18, 2024, Doc. 32, are  
9 ADOPTED in full;
- 10 2. This action is DISMISSED without prejudice for plaintiff's failure to obey court  
11 orders and failure to prosecute; and
- 12 3. The Clerk of the Court shall vacate any pending deadlines and close this case.

13  
14  
15 IT IS SO ORDERED.

16 Dated: December 13, 2024

  
UNITED STATES DISTRICT JUDGE